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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA,
19 v.
20 GABRIEL DIOP,
21
22 Plaintiff,
23 Defendant.

24 CASE NO. 2:21-CR-00106-WBS
25 STIPULATION REGARDING EXCLUDABLE
26 TIME PERIODS UNDER SPEEDY TRIAL ACT;
27 ORDER
28 DATE: August 22, 2022
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

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31 STIPULATION

32 Plaintiff United States of America (the “government”), by and through its counsel of record, and
33 defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

34 1. By previous order, this matter was set for status on August 22, 2022.

35 2. By this stipulation, the defendant now moves to continue the status conference until
36 October 31, 2022 at 9:00 a.m., and to exclude time between August 22, 2022, and October 31, 2022,
37 under Local Code T4.

38 3. The parties agree and stipulate, and request that the Court find the following:

39 a) The government has represented that the discovery associated with this case
40 includes more than 20,000 pages of discovery, images, and video files. In late July, the
41 government produced approximately 8,000 pages of additional discovery, and the remainder has

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1 been made available for inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal
2 Rules of Criminal Procedure.

3 b) Counsel for the defendant desires additional time to consult with her client,
4 review the charges, conduct investigation and research related to the charges, review the recently
5 produced discovery, discuss potential resolutions with her client and the government, prepare
6 pretrial motions, and otherwise prepare for trial.

7 c) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny her the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of August 22, 2022, to October 31,
16 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at the defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

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5 IT IS SO STIPULATED.

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8 Dated: August 17, 2022

PHILLIP A. TALBERT
United States Attorney

10 _____
11 /s/ SAM STEFANKI
12 SAM STEFANKI
13 Assistant United States Attorney

14 Dated: August 17, 2022

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16 /s/ JENNIFER MOUZIS
17 JENNIFER MOUZIS
18 Counsel for Defendant
19 GABRIEL DIOP

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21 **FINDINGS AND ORDER**

22 IT IS SO FOUND AND ORDERED.

23 Dated: August 18, 2022

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27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE